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45 **UNITED STATES DISTRICT COURT**
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47 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

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49 In Re: TOYOTA MOTOR CORP.
50 UNINTENDED
51 ACCELERATION MARKETING,
52 SALES PRACTICES, AND
53 PRODUCTS LIABILITY
54 LITIGATION

55
56 This document applies to
57
58 All Personal Injury, Wrongful Death
59 and Property Damage Cases

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61 Case No. 08:10-ML-2151 JVS (FMOx)

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63 **PLAINTIFFS' AND TOYOTA
64 DEFENDANTS' JOINT STATUS
65 REPORT REGARDING INTENSIVE
66 SETTLEMENT PROCESS**

67
68 Date: April 29, 2014
69 Time: 8:00 a.m.
70 Dept: Courtroom 10C
71 Judge: Honorable James V. Selna

1 Pursuant to the Court’s Civil Minutes dated January 14, 2014 (Dkt No. 4504)
2 and in advance of the Court’s Status Conference set for April 29, 2014 at 8:00 a.m.
3 P.D.T., Plaintiffs’ Co-Lead Counsel for the Personal Injury/Wrongful Death Cases
4 and members of the Plaintiffs’ Liaison Counsel Committee for the Personal
5 Injury/Wrongful Death Cases (collectively “Plaintiffs’ Co-Lead Counsel”) and
6 counsel for Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A.,
7 Inc. hereby respectfully submit this Joint Status Report Regarding the Intensive
8 Settlement Process (the “ISP”). The ISP is making good progress as the parties
9 attempt to resolve the various personal injury, wrongful death and/or property
10 damage cases pending before this Court and in other courts.¹

11 Since the issuance and adoption of the ISP Order,² Toyota’s counsel have
12 had extensive and intensive negotiations with plaintiffs’ firms representing a large
13 number of plaintiffs and claimants. These efforts have included numerous face-to-
14 face meetings with plaintiffs’ counsel (including Plaintiffs’ Co-Lead Counsel)
15 around the nation, including meetings held in Washington, D.C., New York, New
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22 ¹ The Court’s Order Establishing Intensive Settlement Process (“ISP”) and Setting
23 Hearing (Dkt No. 4490) (the “ISP Order”) was confirmed and adopted at the
24 hearing held on January 14, 2014 and memorialized in the Court’s Civil Minutes –
General dated January 14, 2014 (Dkt No. 4504). A similar order was issued by
25 Judge Edmon in Toyota Motor Cases, Joint Council Coordination Proceeding, No.
4261 (Superior Court of Los Angeles County, CA) (the “JCCP Proceeding”).

26 ² The court overseeing the Texas state MDL proceeding in In re: Toyota Unintended
Acceleration Litigation, Cause No. 2010-46354 (152nd Judicial District, District
Court for Harris County, Texas) (the “Texas MDL Proceeding”) has issued its own
27 ISP order. This order, which was issued on February 18, 2014, is substantially
similar to the one issued by this Court. The Texas court also appointed Patrick A.
28 Juneau as the Settlement Special Master in that litigation to perform essentially the
same tasks there as he performs in this MDL.

1 Orleans, Orange County and Los Angeles. These negotiations continue.
2

3 Counsel for Toyota has been and will continue to seek the input of Plaintiffs'
4 Co-Lead Counsel and negotiate in good faith with remaining plaintiffs' counsel in
5 attempts to resolve cases both informally/in advance of, and at the ISP settlement
6 conferences and/or mediations. Pursuant to the ISP Order and with Plaintiffs' Co-
7 Lead Counsel assistance, the ISP settlement conferences are first addressing
8 bellwether plaintiffs, bellwether plaintiffs in the discovery pool and those plaintiffs
9 with exigent circumstances.
10

11 **I. ISP Conferences and ISP Mediations**

12 After meeting and conferring with Plaintiffs' Co-Lead Counsel, the parties
13 have so far held two official ISP settlement conferences in addition to numerous
14 face-to-face informal meetings. The February in-person ISP settlement conferences
15 were held over two days in Los Angeles, California. Counsel for Toyota negotiated
16 face-to-face with nine different plaintiffs' firms representing plaintiffs in 22 cases.
17

18 The first March ISP settlement conference was concluded in New York on
19 March 17, 2014. Four plaintiffs' counsel representing plaintiffs in six cases were
20 scheduled to attend. Prior to this ISP settlement conference, counsel for Toyota
21 successfully negotiated the resolution of four of the six cases scheduled, with all
22 four cases pending in the MDL.
23

24 The parties are scheduling a second March ISP settlement conference to be
25 held in Chicago, tentatively set for March 26. The parties are also in the process of
26

1 scheduling an April ISP settlement conference in Houston, Texas. These settlement
2 conferences will also include cases that are part of the Texas MDL Proceeding.
3 Finally, the parties and Settlement Special Master Juneau are working to schedule
4 the first ISP mediations (for those cases that did not resolve at the ISP settlement
5 conference and, despite continuing efforts, do not resolve before the mediation
6 date) in Los Angeles in late April. Currently, there are five cases that are being
7 scheduled on April 29 and 30 and potentially May 1, 2014.
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10 **II. Settlement Results**
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12 As outlined above and through the efforts of all parties, including, but not
13 limited to, Plaintiffs' Co-Lead Counsel, Toyota advises the Court that it has
14 agreements in principle to resolve 131 matters. Of this number, 72 cases are
15 pending in the MDL and 22 cases are pending in the JCCP Proceeding. A total of
16 37 are outside of the MDL and JCCP Proceedings.
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III. Strong Interest in the ISP
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20 In addition to the resolutions as noted above, Plaintiffs' Co-Lead Counsel
21 and Toyota have been very encouraged by the strong interest and response to date
22 from plaintiffs' counsel in providing materials for cases to participate in the ISP.
23
24

25 Since December 2013, the Settlement Special Master, Plaintiffs' Co-Lead
26 Counsel and counsel for Toyota have mailed out several letters to plaintiffs'
27 counsel representing over 300 cases. These letters have advised them of the ISP
28 and the steps needed to begin the ISP process and, if desired, to have informal

1 negotiations in advance of the ISP.

2 In response, as of March 12, 2014, plaintiffs in 130 cases have requested to
3 participate in the ISP and a majority of these plaintiffs have already provided
4 records and materials necessary to move the cases forward. In addition, the
5 Settlement Special Master's office, Plaintiffs' Co-Lead Counsel and counsel for
6 Toyota have received and responded to hundreds of e-mails, telephone calls, and
7 letters regarding the ISP. The Settlement Special Master and counsel for Toyota
8 are in the process of meeting and conferring with Plaintiffs' Co-Lead Counsel
9 regarding upcoming ISPs as well as collecting records in order to begin confidential
10 good faith negotiations.

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1 Dated: March 17, 2014

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Attorneys for Defendants Toyota Motor
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CERTIFICATE OF SERVICE

I hereby certify that I am over the age of 18, not a party to this litigation, and am an employee of Reed Smith LLP, which represents plaintiffs in the above-referenced litigation. I further certify that a true and correct copy of the above and foregoing document was served upon the attorney of record for each other party through the Court's electronic filing service on March 17, 2014.

/s/ Cheryl Hammill
Cheryl Hammill